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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
07 AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,)
10 v.) Case No. CR08-336-JCC
11 TOAN VAN DUONG,) DETENTION ORDER
12 Defendant.)
_____)

13 Offenses charged:

14 Count 1: Conspiracy to Manufacture Marijuana, in violation of 21 U.S.C. §§
15 841 (a)(1), 841(b)(1)(A) and 846.
16 Count 4: Manufacture of Marijuana, in violation of 21 U.S.C. §§ 841(a)(1),
17 841(b)(1)(B) and 18 U.S.C. § 2.

18 Date of Detention Hearing: October 15, 2008

19 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
20 based upon the factual findings and statement of reasons for detention hereafter set forth,
21 finds the following:

22 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

23 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that
24 defendant is a flight risk and a danger to the community based on the nature of the pending
25 charges. Application of the presumption is appropriate in this case.

26 (2) There is a possibility of lengthy sentence. If convicted of the charges,
defendant faces up to life in prison with a mandatory minimum of ten years.

01 (3) Defendant is not a citizen of the United States and has few, if any, o this
02 jurisdiction.

03 (4) Defendant was untruthful in the pretrial services interview.

04 (5) Based on the nature of the pending charges, defendant is considered a flight
05 risk and a danger to the community. There appear to be no conditions or combination of
06 conditions other than detention that will reasonably address the risk of flight, or ensure the
07 safety of the community.

08 IT IS THEREFORE ORDERED:

09 (1) Defendant shall be detained pending trial and committed to the custody of the
10 Attorney General for confinement in a correctional facility separate, to the extent practicable,
11 from persons awaiting or serving sentences or being held in custody pending appeal;

12 (2) Defendant shall be afforded reasonable opportunity for private consultation
13 with counsel;

14 (3) On order of a court of the United States or on request of an attorney for the
15 government, the person in charge of the corrections facility in which defendant is confined
16 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
17 connection with a court proceeding; and

18 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
19 counsel for the defendant, to the United States Marshal, and to the United States Pretrial
20 Services Officer.

21 DATED this 15th day of October, 2008.

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23 JAMES P. DONOHUE
24 United States Magistrate Judge
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